

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Dean Benter,

No. 14-cv-362 (JRT/LIB)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Martin County Human Services and  
Sheila Denton,

Defendants.

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This matter comes before the undersigned United States Magistrate Judge upon a routine supervision of cases that pend before the Court, and pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636(b)(1)(A).

This Court, by its March 6, 2014, Order, [Docket No. 3], notified Plaintiff that it would not grant his motion for IFP at that time and instructed Plaintiff of the steps he would be required to take, including filing an Amended Complaint, to continue his prosecution of the present action. (Order [Docket No. 3]). The Court set a deadline of March 31, 2014, for Plaintiff's compliance.

On April 3, 2014, by a letter to the Undersigned dated March 28, 2014, Plaintiff moved for an extension of the deadline by which he was to file his Amended Complaint. (Letter to Mag. Judge [Docket No. 4]). The Court granted Plaintiff's Motion for an Extension of Time. Plaintiff was to file an Amended Complaint by no later than Wednesday, April 30, 2014. (Order [Docket No. 5]).

In its April 7, 2014, Order, the Court explicitly warned Plaintiff that in the event he failed to fully comply with the requirements of the Order by April 30, 2014, the Court would

recommend that the action be dismissed without prejudice, and that Plaintiff would receive no further extensions to comply.

For the reasons set forth above, and based on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. The present action be dismissed without prejudice for failure to comply with the Court's Orders at Docket Numbers 3 and 5, and for failure to prosecute.

DATED: May 8, 2014

s/Leo I. Brisbois  
LEO I. BRISBOIS  
United States Magistrate Judge

#### **NOTICE**

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by May 22, 2014**, a writing that specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within **fourteen (14) days** of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.